

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 0173067

Mark Sade

3010 Dunleer Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 22, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302(b)(3), failure to repair exterior extensions i.e. gutters on residential property known as 3010 Dunleer Road, 21222.

On December 2, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Daniel O'Neill issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 29, 2009 for removal of trash and debris, cut and remove tall grass and weeds, and repair exterior extensions, including repair gutters on rear and need gutters on garage. This Citation was issued on December 2, 2009.

B. Photographs in the file show the horizontal gutter on the rear of the house is hanging loose and is not properly attached to the roof line. Photographs also show there are no gutters on the garage. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302.

C. Notes in the file state that Inspector O'Neill met with Respondent and granted time extensions for the gutter repairs prior to issuing this Citation. Because compliance is the goal of code enforcement, and because this property does not have a recent history of code violations, the civil penalty will be rescinded if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by February 22, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of January 2010.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer